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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/769,147	01/25/2001	Spencer A. Rathus	660-029	8430

7590 02/28/2003  
Ward & Olivo  
382 Springfield Avenue  
Summit, NJ 07901

EXAMINER

LE, THIEN MINH

ART UNIT PAPER NUMBER

2876

DATE MAILED: 02/28/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

09/769,147

Applicant(s)

RATHUS ET AL.

Examiner

Thien M. Le

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 02 December 2002.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 168-284 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 168-284 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

**Priority under 35 U.S.C. §§ 119 and 120**

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All   b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)                  | 4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s). _____  |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)         | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____ | 6) <input type="checkbox"/> Other: _____                                    |

According to Withmall, the bar code comprises a code by which information (e.g. a sequence of digits) can be presented in an optically-machine-readable form, each of a plurality of basic elements which are available to constitute the information in code being represented by a uniquely arranged group of marks, or spaces between marks, the marks being in the general form of bars. Withmall also discloses that it becomes practicable to install automatic ticket-checking equipment on passenger-carrying vehicles (even on buses), and to provide for a through-ticketing system which can accommodate the complexities of a passenger transport system of substantial size.

Withmall discloses, in a preferred arrangement, that the ticket-checking means is capable of assessing the validity of a ticket by reading information presented to it in a bar-code form on the ticket and comparing the read information with reference information to which it has access. Specifically, the portable ticket -inspecting means comprises an inspection handset 24 which is adapted to be carried within the bus and enables an inspector to check tickets for validity. The portable handset is adapted to read information presented to it on a ticket in bar-code, and is capable of displaying information read from the ticket in a form which can be read by the inspector. The handset is battery-powered and comprises optical bar-code reading means, a microprocessor with programmable memories, a keypad and an illuminated display. The memory of the handset can be programmed with sufficient travel information to enable it to check the validity of tickets presented. Though Withmall discloses data-storing means whereby the reference information can be stored locally, he also discloses that the use of a radio data link might be possible to refer to information

stored elsewhere. The system also includes an up-dating means, whereby the reference information can be modified as the vehicle travels, can in a bus, for example, comprise a fare-stage up-date key to be operated by the driver.

As can be seen, Withmall discloses the claimed invention.

Regarding claim 169, Withmall discloses a data link which would meet all limitations set forth in this claim.

Claim 170-278, 283-284, drawn to the apparatus and method claims 280-281, are rejected under 35 U.S.C. 103(a) as being unpatentable over Withmall (Withmall – 4,488,035; cited above) in view of the general teachings of the prior art of record [in particular Veeneman (Veeneman - 5,243,174; newly cited); Montanari et al. (Montanari - 5,478,990; cited previously); and Sangster (Sangster – 4,609,358; newly cited)].

Regarding claims 170-278, 283-284, and 280-281, see the discussions above. The claims differ in calling for the use of an alternative form of a code such as a watermark, an invisible barcode, a magnetic code, a printer character, a invisible icon, etc. The claim also recites the use of various different type of networks, the use of a menu, listings, the method of payments and shipments. It would have been obvious to incorporate all these limitations in the system as taught by Mondschein. Though Withmall discloses the use of a data link, he is silent whether it is used to carry data, video, image, shopping data, online shopping data, etc. However, the use of specific types of data would merely design considerations which would be well within the skill levels and expectations of an ordinary skilled artisan in the art. Further, the general

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teachings of the prior art include the use of a watermark, a magnetic code, a printed character, an icon, etc., as a data input source. Without any specific and unexpected result, replacing one source of input with another known source of input would have been design consideration; and would have not been considered novel. For similar reasons, it would have been obvious to replace one type of network with another since the use of various different networks are known to an ordinary skilled artisan in the art. Choosing one type of network over another would merely depend on the type of applications, the services being offered. Finally, it would have been obvious to include the claimed steps of providing payment, shipping, and returning information in the combined systems. The methods of providing payment/shipping/returning information are notorious known and old and have been made commercially available. Various references in the cited prior art of record are herein discussed as evidence showing the conventionality of some of the claimed limitations.

Veeneman discloses a multi-merchant gift registry system. The system includes a bar code scanner 40 could be located in a registrant's home such that the registrant could register for items from multiple merchants via a catalogue that includes bar codes for the items. The registrant would communicate to the kiosk via remote communication, such as a modem or the InterNet. The term catalog should be understood to be not limited to a physical paper catalog, but also encompasses things such as CD-ROMs, and other data storage devices. In this embodiment, it would be required that there be a unique bar code for each catalog to identify the supplier of the

particular item. This identifying code could be on the front cover, the back cover, or somewhere within the catalog.

Montanari et al. disclose a method for tracking the production history of food product. FIG. 1 shows a tag that is encoded with a Tracking Number. According to Montanari, the tag is used to convey 1) an Animal Tracking Number (A-TN) which is the tracking number applied to a live animal; 2) an Offal Tracking Number (O-TN) which is attached to offal products; 3) a Production Tracking Number (P-TN) that is attached to a quarter of meat and that identifies fabricated primals and sub-primals derived from the animal of origin; and 4) a Retail Tracking Number (R-TN) that is presented on a primal or sub-primal cut for retail identification. As ownership and possession of an animal is transferred, the Animal Tracking Number (A-TN) is recorded on a tag, preferably in an electronic or computer readable form, such as a bar-code or magnetic strip, and vital information, such as prior owners, genetic history, weight, feeding history, microbacterial profiles, diseases, medications, etc., may be added to the database record via such tag at various times in the growth of the animal, as well as in the fabrication process.

Sangster discloses a system wherein each student station comprises a microcomputer into which the student inputs response to the situations presented on the television monitor by the videodisc player. Selected video signals from the videodisc on the videodisc player are digitized and stored in a computer memory. These stored video signals represent simulated outcomes corresp. to the responses of

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the students. According to Sangster, the different responses of the students cause either the video signals stored in the computer memory to be converted into analog format and applied to the approp. television monitors, or causes the videodisc player to access an approp. portion of the videodisc. A multiport transmitter controllable by signals from the microcomputers results in the approp. video signals being applied to the approp. television monitors. Fibre optic video links between the videodisc player and the television monitors permit interference-free transmission.

### ***Response to Arguments***

Applicant's arguments with respect to claims 168-284 have been considered but are moot in view of the new ground(s) of rejection.

### ***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Thien M. Le whose telephone number is (703) 305-3500. The examiner can normally be reached on Monday - Friday from 7:30am - 4:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Michael G. Lee can be reached on (703) 305-3503. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 308-5841 for regular communications and (703) 308-7722 for After Final communications.

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Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-0956.

A handwritten signature in black ink, appearing to read 'Le, Thien Minh', with a stylized, cursive script.

**Le, Thien Minh**  
**Primary Examiner**  
**Art Unit 2876**  
**February 20, 2003**